THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5785 OF 2006

DATED: 13-02-2007

BETWEEN

Ravuripoli Naidu,
S/o. Rama Naidu,
R/o. Isukapalli,
H/o. Griddaluru village,
Saidapuram Mandal
Nellore District.

...PETITIONER

AND

The Station House Officer,
Saidapuram Village & Mandal,
Nellore District and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents 1 and 2 in calling him and his family members to the police station and causing harassment and hardship to them as illegal and arbitrary and to direct the respondents not to interfere in any manner with the civil disputes of digging channel through his land.

2. Counter has been filed stating that one Smt. Korrapati Lakshmma lodged a complaint on 04.09.2005 against the petitioner and 20 others alleging that they beat her with sticks due to land disputes based on which a case in Cr.No.53 of 2005 under Sections 147, 148, 324, 323 read with Section 149 of the Indian Penal Code, 1860 was registered and after completion of investigation a charge sheet was also filed, which was taken on file as C.C.No.507 of 2005

on the file of the Judicial Magistrate of First Class, Gudur, Nellore District, which is pending trial. It is stated that thereafter the daughter-in-law of the petitioner viz. Ravuri Sujatha filed a complaint on 05.09.2005 with the first respondent, based on which a case in Cr.No.54 of 2005 was registered for the offence under Sections 147, 148, 324, 323 read with 149 IPC and after investigation the same was referred as mistake of fact. Thereafter, the said Ravuri Sujatha filed a written representation on 04.01.2006 before the first respondent and as it was only a civil dispute, they advised her to settle the dispute in a competent Court of law as prima facie the dispute appears to be civil in nature. All other allegations of the petitioner have been denied.

3. In view of the aforesaid facts and circumstances, as there is no interference by the official respondents with the civil disputes of the petitioner and as the petitioner was never called to the police station in respect of the civil disputes, I am of the opinion that no orders are required to be passed in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 13, 2007
DSK